

### REMARKS/ARGUMENTS

Prior to entry of this Amendment, the application included claims 1-9, 14-23 and 28. No claims have been amended. Claim 9 has been canceled. Claim 29 has been added. Hence, after entry of this Amendment, claims 1-8, 14-23, 28 and 29 stand pending for examination.

The Office Action rejected claims 1-3, 7-9, 14-17, 21-23 and 28 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,760,731 to Huff ("Huff"). Claims 4-6 and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Huff in view of U.S. Patent No. 6,389,429 to Kane et al. ("Kane").

Claim 29 is substantially identical to claim 9, except that it has been written in independent form. No new matter has been added.

#### **§ 102(b) Rejections**

The Applicants respectfully traverse the rejection of all claims rejected under 35 U.S.C. § 102(b) since the cited reference does not teach all of the claim limitations, either expressly or inherently, as required for a proper rejection under 35 U.S.C. § 102(b). Specifically, claim 1 recites:

for each pair of records provisionally determined to represent the same individual:

calculating a factor that represents the likelihood that respective mother records for the pair of records represent the same mother;

calculating a factor that represents the likelihood that respective father records for the pair of records represent the same father;

using the factor that represents the likelihood that the two records represent the same individual, the factor that represents the likelihood that respective mother records for the pair of records represent the same mother, and the factor that represents the likelihood that respective father records for the pair of records

represent the same father, calculating a revised factor representing the likelihood that the pair of records represent the same individual;

Claims 15 and 29 include similar elements. Huff does not teach these elements.

The Office Action cites col. 15, l. 63, to col. 16, l. 14, for this teaching. At that location, Huff states that:

[m]ore specifically the programs: (1) gather statistics on incoming data concerning such things as surname distribution (see discussion of “cones”), time and place of data, and the like; (2) analyze newly received data to determine its level of duplication with the existing database; (3) analyze incoming data to determine the number of separate “trees” or linked sets of names that are contained in the data collection, and provide a way to separate out those linked segments for treatment; (4) compute levels of possible extension to the existing database by comparing the number of missing-parent and missing-spouse names in incoming data with the data that could provide the parents (or vice versa) and thus extend the connections; and (5) for incoming missing-parent and missing-spouse names, actually make the various levels of exact or near comparisons with the new and existing database and show the candidate links to an operator for verification or probability judgement. At that point a code may be entered to indicate the level of proof or level of confidence for data and links.

The Applicants are unable to find the claimed elements in the text of the foregoing nor anywhere else in Huff. Hence, claims 1, 15 and 29 are believed to be allowable, at least for this reason.

At the cited location, Huff appears to describe the function of a consolidation workstation. But the teaching fails to anticipate the Applicants’ process for evaluating records provisionally determined to represent the same person as recited in claim 1. A proper rejection requires that the examiner cite a reference that teaches each and every claim element. That has not been accomplished here, since Huff clearly does not teach the elements of claims 1, 15 and 29, and these claims are believed to be allowable.

The remaining claims depend from one of these independent claims and are believed to be allowable, at least for the foregoing reasons.

Moreover, claim 29 includes “wherein comparing records within a sort range comprises comparing records within a birth date range.” Huff also does not teach this. The Office Action cites Fig. 4 for this teaching, but Fig. 4 does not teach anything like this. The records are not sorted in birth date order, and Huff mentions nothing about sorting the records or even comparing the listed records. Indeed, the detailed description that accompanies Fig. 4 states that “[t]his illustrative report shows a list of surnames for which no parents are linked to the earliest person in pedigree. The birth year and identification number of such person are also provided in the report.” No mention is made of comparing the listed records within a birth date range. Hence, claim 29 is believed to be allowable for this additional reason. Claim 23 includes a similar element and is believed to be allowable for similar reasons.

## **Conclusion**

In view of the foregoing, the Applicants believe all claims now pending in this application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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